

## **AFFIDAVIT OF KEITH HEATON**


1. I am an employee of KCI Medical Products (UK) Ltd, 11 Nimrod Way, Ferndown Industrial Estate, Wimborne, Dorset, BH21 7SH. I am over the age of twenty-one, am of sound mind and memory, and am otherwise competent to make this Affidavit. I have personal knowledge of the facts set forth in this Affidavit, and each such fact is true and correct.
2. I have been employed by KCI for 20 years and currently hold the position of Director Innovation & Concept Assessment.
3. I have a Master of Science degree in Manufacturing, Management & Technology received on December 1997 from Open University, Milton Keynes, UK.
4. In total, I have practiced in the wound healing arts for over 12 years. I have been an engineer for 25 years, and 24 years of that time was spent as an engineer in the United Kingdom.
5. While I am a named inventor on KCI-owned U.S. Patent Application No. 09/807,403 ("the '403 Application"), I am also a named inventor on Great Britain Application No. GB2307180 ("the '180 Application"), the published application that is being cited against the '403 Application.
6. In the United Kingdom, the term "spigot" is often used in engineering applications, and the term refers to a pipe end that can be used to form a junction with another pipe. The term "spigot" is not used in the United Kingdom to refer to a valve as it sometimes is in the United States. In fact, from an engineering perspective, if a spigot and a valve were to be specified in an engineering design, the valve would be separately specified from the spigot.
7. The common usage of the term "spigot" in the United Kingdom is reflected in the dictionary definition provided by Hutchinson Encyclopedia via the website [www.tiscali.co.uk](http://www.tiscali.co.uk), a copy of which is included with this Affidavit. This particular website is a commonly-used online reference in the United Kingdom. The definition attributed to spigot by this dictionary is a "bung; plug of a tap; end of smaller pipe when inserted into larger one to form a junction."
8. In the '180 Application, the term spigot is consistent with an end of a smaller pipe inserted into a larger pipe to form a junction. Indeed, the '180 Application provides that the "canister and the latch mechanism is [sic] arranged so that when the latch is engaged, the spigots 7A and 7B are in sealing engagement or abutment with tubular protrusions 33 and 34 formed in the top of the canister." See page 5, ll. 13-16. The spigots 7A and 7B are used to fluidly join the canister to the tubes 10 and 103.
9. The '180 Application does not teach a shut-off valve associated with the canister 100. The mechanism by which fluid flow is ceased involves pressure transducers that monitor pressures and interpret certain pressures as indicating a full canister. Upon detection of a full canister, the pump may be shut off. See page 6, ll. 6-11. This mechanism does not involve a shut-off valve associated with the canister.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001.

Further Affiant sayeth not.

K.P. Heaton  
KEITH HEATON

WITNESS:

  
Signature

Printed Name: EMMA OLIVER

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ST LEONARDS

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